

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SOLVAY CHEMICALS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 07-343-***
	)	
OCI CHEMICAL CORPORATION,	)	
	)	
Defendant.	)	

**PLAINTIFF'S REPLY TO DEFENDANT'S COUNTERCLAIM**

Plaintiff Solvay Chemicals, Inc. ("Solvay") replies to the counterclaim of defendant OCI Chemical Corporation ("OCI") as follows (paragraph numbers correspond to paragraph numbers of OCI's counterclaim):

**The Parties**

- 22. Solvay admits the allegations of paragraph 22 of OCI's counterclaim.
- 23. Solvay admits the allegations of paragraph 23 of OCI's counterclaim.
- 24. Solvay admits the allegations of paragraph 24 of OCI's counterclaim.
- 25. Solvay notes OCI's denial but asserts that OCI has willfully infringed the '385 patent.

**Jurisdiction and Venue**

- 26. Solvay does not dispute jurisdiction.
- 27. Solvay does not dispute venue.

**Declaratory Judgment**

- 28. Solvay notes OCI's denial but asserts that OCI has infringed the '385 patent.
- 29. Solvay denies the allegations of paragraph 29 of OCI's counterclaim.
- 30. Solvay responds as follows to paragraphs 12-21 of OCI's counterclaim.

- 30 (13). Solvay admits that the WO '292 application is prior to the '385 patent but denies that it is pertinent prior art to this patent.
- 30 (14). Solvay denies the allegations of paragraph 14.
- 30 (15). Solvay denies the allegations of paragraph 15.
- 30 (16). Solvay admits the allegations of paragraph 16.
- 30 (17). Solvay denies the allegations of paragraph 17 but admits that Mr. Horne and Mr. James were generally aware of the contents of the WO '292 application during the time period in which the '385 patent was prosecuted.
- 30 (18). Solvay denies the allegations of paragraph 18.
- 30 (19). Solvay denies the allegations of paragraph 19.
- 30 (20). Solvay denies the allegations of paragraph 20.
- 30 (21). Solvay admits that OCI explained its position but denies that this position is correct.
- 31. Solvay denies the allegations of paragraph 31 of OCI's counterclaim.
- 32. Solvay notes OCI's request and asserts that the '385 patent is infringed, valid and enforceable.

#### **Prayer for Relief**

WHEREFORE, plaintiff Solvay respectfully requests:

- a. a permanent injunction against continued infringement (35 U.S.C. §283);
- b. its damages for past infringement (35 U.S.C. §284);
- c. increased and treble damages for willful infringement (35 U.S.C. §284);
- d. denial of OCI's counterclaim;
- e. its attorney fees (35 U.S.C. §285);

- f. its costs (Fed. R. Civ. P. 54(d)); and
- g. any other relief appropriate under the circumstances.

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**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on August 7, 2007, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on August 7, 2007, I have Electronically Mailed the document to the following person(s):

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